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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND**

JH KELLY, LLC

Plaintiff,

vs.

AECOM TECHNICAL SERVICES, INC., et al.

Defendant.

Case No. 4:20-cv-05381-HSG (Lead Case)

(Reference withdrawn from Bankruptcy Case No. 19-30088, Adv. Proc. No. 20-03019 and Adv. Proc. No. 19-03008)

(Consolidated with Case No. 3:20-cv-08463-EMC)

**ORDER ON STIPULATED
REQUEST TO MODIFY
BRIEFING SCHEDULE ON
PG&E'S MOTION TO DISMISS
RE: AECOM'S FIRST AMENDED
COUNTER-CLAIM [DKT NO. 48]**

1 Pursuant to Civil L.R. 6-2, AECOM Technical Services (“AECOM”), and Pacific Gas and
2 Electric Company (“PG&E”) (collectively, the “Parties”) jointly seek an order of the Court to
3 modify the briefing schedule for PG&E’s Motion to Dismiss re: AECOM’s First Amended
4 Counterclaim.

5 The Parties, through their respective counsel, stipulate as follows:

6 WHEREAS, on March 29, 2021, PG&E filed its Motion to Dismiss Re: AECOM’s First
7 Amended Counterclaim [Dkt. No. 48];

8 WHEREAS, per the Federal Rules of Civil Procedure, the last day for AECOM to file its
9 Response to PG&E’s Motion to Dismiss Re: AECOM’s First Amended Counterclaim is April 12,
10 2021;

11 WHEREAS, per the Federal Rules of Civil Procedure, the last day for PG&E’s to file its
12 Reply to AECOM’s Response to PG&E’s Motion to Dismiss Re: AECOM’s First Amended
13 Counterclaim is April 19, 2021;

14 WHEREAS, the Parties are currently scheduled for a mediation on May 11, 2021;

15 WHEREAS, the Parties wish to focus time and energies on the upcoming mediation and
16 conserve resources in anticipation of the mediation, with the goal of achieving a global resolution
17 and avoiding further motion practice;

18 WHEREAS, PG&E’s Motion to Dismiss JH Kelly’s Mechanic’s Lien cause of action
19 [Dkt. No. 24] is scheduled for hearing on April 29, 2021, and disposition of that Motion will likely
20 resolve part of PG&E’s Motion to Dismiss as it relates to AECOM’s mechanics lien claim and
21 therefore the Parties wish to avoid further briefing of that issue which will be decided by the Court
22 on or before April 29, 2021 and to limit submissions to the Court on this issue;

23 WHEREAS, there have been no previous time modifications in this case related to
24 PG&E’s Motion to Dismiss Re: AECOM’s First Amended Counterclaim;

25 WHEREAS, the reason for requesting the enlargement of time related to PG&E’s Motion
26 to Dismiss Re: AECOM’s First Amended Counterclaim is so that the Parties may conserve
27 resources in anticipation of mediation and avoid needless motion practice;

1 WHEREAS, the requested time modification will not impact the schedule for the case.

2 NOW THEREFORE, in consideration of the foregoing, the Parties, by and through their
3 respective counsel, hereby STIPULATE and AGREE as follows:


4 1. AECOM's deadline to file its Response to PG&E's Motion to Dismiss re: AECOM's
5 First Amended Counterclaim is continued from April 12, 2021 to May 25, 2021;

6 2. PG&E's deadline to file its Reply to AECOM's Response to PG&E's Motion to
7 Dismiss is continued from April 19, 2021 to June 8, 2021;

8 3. By entering into this Stipulation, the Parties do not waive, and expressly preserve any
9 and all rights and defenses.

10
11 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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13 DATED: 4/2/2021

14 By: 
15 HAYWOOD S. GILLIAM, JR.
16 United States District Judge
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